
HOUSE BILL No. 1367

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-45-4-1; IC 35-45-4-1.5.

Synopsis: Public nudity. Provides that a person commits public indecency, a Class A misdemeanor: (1) if the person appears nude in a public place with the intent to arouse the person's own sexual desires or the sexual desires of another person; or (2) if the person is at least 18 years of age and appears nude in a public place with the intent to be seen by a child less than 16 years of age. Makes public indecency a Class D felony if the person has a prior unrelated conviction for public indecency. Provides that a person who appears nude in a nonpublic place with the intent to be seen by persons other than invitees or occupants of that place commits indecent exposure, a Class C misdemeanor. Provides that a person who appears nude in a public place commits public nudity, a Class C misdemeanor. Makes public nudity a Class B misdemeanor if the person intends to be seen by another person.

Effective: July 1, 2003.

Stilwell, Foley

January 14, 2003, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1367

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-45-4-1, AS AMENDED BY P.L.121-2000,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 1. (a) A person who knowingly or intentionally,
4 in a public place:

- 5 (1) engages in sexual intercourse;
- 6 (2) engages in deviate sexual conduct;
- 7 (3) appears in a state of nudity **with the intent to arouse the**
8 **sexual desires of the person or another person;** or
- 9 (4) fondles the person's genitals or the genitals of another person;

10 commits public indecency, a Class A misdemeanor.

11 (b) **A person at least eighteen (18) years of age who knowingly**
12 **or intentionally, in a public place, appears in a state of nudity with**
13 **the intent to be seen by a child less than sixteen (16) years of age**
14 **commits public indecency, a Class A misdemeanor.**

15 (c) However, the offense under subsection (a) **or subsection (b)** is
16 a Class D felony if the person **who** commits the offense

17 ~~(+) by appearing in the state of nudity with the intent to arouse the~~



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sexual desires of the person or another person in or on a public place where a child less than sixteen (16) years of age is present; (2) in a public park and has a prior unrelated conviction that was entered after June 30, 2000, for an offense under this section; (3) in or on school property and has a prior unrelated conviction that was entered after June 30, 2000, for an offense under this section; or (4) in department of natural resources owned or managed property and has a prior unrelated conviction that was entered after June 30, 2000, for an offense under this section: **has a prior unrelated conviction under subsection (a).**

(c) (d) As used in this section, "nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.

(d) (e) A person who, in a place other than a public place, with the intent to be seen by persons other than invitees and occupants of that place:

- (1) engages in sexual intercourse;
- (2) engages in deviate sexual conduct; ~~or~~
- (3) fondles the person's genitals or the genitals of another person;
- or**
- (4) appears in a state of nudity;**

where the person can be seen by persons other than invitees and occupants of that place commits indecent exposure, a Class C misdemeanor.

SECTION 2. IC 35-45-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 1.5. (a) As used in this section, "nudity" has the meaning set forth in section 1(d) of this chapter.**

(b) A person who knowingly or intentionally appears in a public place in a state of nudity commits public nudity, a Class C misdemeanor. However, the offense is a Class B misdemeanor if the person appears in a public place in a state of nudity with the intent to be seen by another person.

SECTION 3. [EFFECTIVE JULY 1, 2003] IC 35-45-4-1, as amended by this act, and IC 35-45-4-1.5, as added by this act, apply only to acts committed after June 30, 2003.

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